

Application S/N 10/649,570
Amendment Dated: May 11, 2006
Response to Office Action dated: January 10, 2006

CE11841JME

REMARKS/ARGUMENTS

Claims 1-8 and 10-15 remain pending in the application, as claim 9 has been canceled without prejudice and claims 16-19 were canceled in view of a previous restriction requirement. In the Office Action, claims 12 and 13 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have amended claim 12 to overcome the rejection. Also, claims 1-8 and 10-13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,167,465 to Inui, et al. (Inui). Finally, claims 9, 14 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Inui in view of U.S. Patent No. 6,005,950 to Cuniberti (Cuniberti).

Independent claims 1, 11 and 14 have been amended to clarify that the base also includes a speaker and a neck, the speaker is attached to the neck and the speaker and at least a portion of the neck are configured to fit within a human ear. Also, independent claims 11 and 12 have been amended to clarify that a decorative image is positioned on a surface area of the plate. Support for the amendments can be found in FIGs. 1, 2 and 5-8 and on page 7, lines 10-13 and on page 7, line 17 to page 8, line 3. No new matter has been added in view of these amendments. These features are simply not shown, described, taught or suggested in Inui, Cuniberti or any other prior art reference. Moreover, there is no suggestion or motivation to position a decorative image on the blower switch (2) of Inui, as that component is positioned behind the panel (4) when assembled, completely out of view of a user or driver.

As such, Applicants submit that independent claims 1, 11, 12 and 14 are patentable over the prior art. Applicants also believe that those claims that depend from these independent claims are patentable, both based on their dependencies on the

Application S/N 10/649,570
Amendment Dated: May 11, 2006
Response to Office Action dated: January 10, 2006

CE11841JME

Independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.


Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department – MD 1610
8000 W. Sunrise Blvd.
Plantation, FL 33322

Customer Number: 24273

By: _____


Larry G. Brown
Attorney of Record
Reg. No.: 45,834

Telephone: (954) 723-4295
Fax No.: (954) 723-3871